

Remarks

Claims 46-75 and 77-96 are pending herein.

In the Office Action, claims 46-75 and 77-96 are rejected under 35 U.S.C. §102(b) as being anticipated by Kurtev et al., *Binuclear nickel-ylide complexes as effective ethylene oligomerization/polymerization catalysts*, Journal of Molecular Catalysis A: Chemical 103 (1995) pages 95-103 ("Kurtev").

In view of the remarks herein, Applicants respectfully request reconsideration and withdrawal of the rejection set forth in the Office Action.

I. The Rejection

Claims 46-75 and 77-96 are rejected under 35 U.S.C. §102(b) as being anticipated by Kurtev.

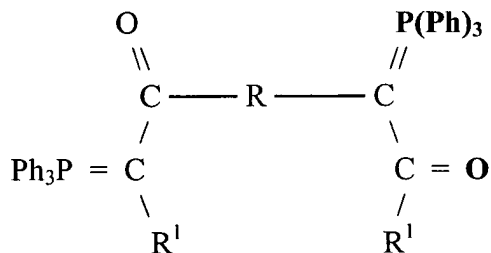
Citing pages 96-97 and 99-103, the Office Action states that:

[c]ontrary to differences in ligand structures argued by the Applicants, the catalyst disclosed on page 97 of Kurtev is a species of the present claims. If the catalyst on the top of page 97 in Kurtev is different, please clarify.

Applicants respectfully submit that the catalyst on the top of page 97 in Kurtev is different from the catalyst set forth in instant claim 46.

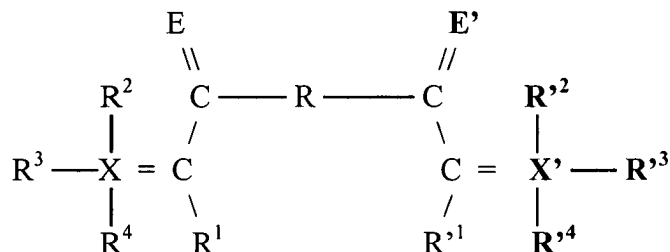
Set forth below are the Kurtev ligand and the ligand set forth in instant claim 46, wherein the portions which differ are in bold print:

Kurtev Ligand



wherein R can be various divalent radicals as set forth in the table on page 97; and R₁ can be H, Ph, CO₂Me, Me or SO₃Na (depending on the specific radical represented by "R").

Ligand of Instant Claim 46



wherein:

R is a divalent radical;

E and E' each represent independently an oxygen or a sulfur atom;

X and X' each represent independently a phosphorus, arsenic or antimony atom;

- the radicals R^1 and R'^1 , which are identical or different, are selected from:

- hydrogen;
- linear, branched or cyclic alkyl radicals;
- aryl radicals;
- arylalkyl radicals;
- alkylaryl radicals;
- halogens;
- the hydroxy radical;
- alkoxide radicals;
- $-\text{C}-\text{OR}'$, wherein R' represents a hydrocarbon radical which has
- $\begin{array}{c} \parallel \\ \text{O} \end{array}$ from 1 to 15 carbon atoms;
- $-\text{SO}_3\text{Y}$, where Y is selected from Li, Na, NH_4^+ , NR''_4^+ , where R'' represents a hydrocarbon radical which has from 1 to 15 carbon atoms;

- the R^2 , R'^2 , R^3 , R'^3 , R^4 and R'^4 radicals, which are identical or different, are chosen from linear, branched or cyclic alkyl radicals, and arylalkyl radicals.

Thus, in the formula set forth in claim 46, the divalent radical "R" is attached directly to a $-\text{C}=\text{E}$ radical and a $-\text{C}=\text{E}'$ radical, wherein the E and E' radicals are independently either oxygen or sulfur. On the other hand, in Kurtev, the divalent radical "R" is attached directly on one end to $-\text{C}=\text{PPh}_3$. In other words, in Kurtev, the divalent

radical "R" is not attached directly to two -C=O radicals, two -C=S radicals, or a -C=O radical and a -C=S radical. In the formula set forth in claim 46, both =PPh_3 radicals are attached two carbon atoms away from the "R" radical. In Kurtev, one of the =PPh_3 radicals is attached to the carbon that is attached to the "R" group, i.e., the Kurtev =PPh_3 radical is attached one carbon atom away from the "R" radical.

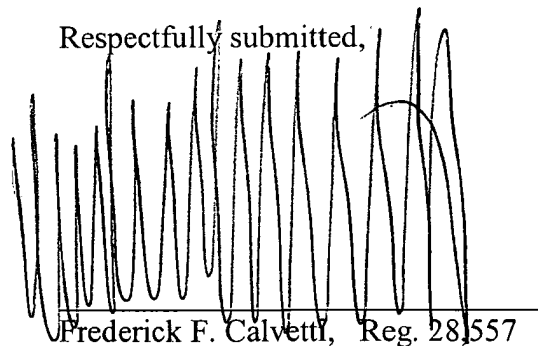
Thus, in the aforementioned ways, the Kurtev ligand and the ligand set forth in instant claim 46 differ from one another. Because the respective ligands are different, the catalysts taught in Kurtev and set forth in Applicants' claims are also different.

Therefore, for at least this reason, Applicants submit that Kurtev does not anticipate instant claims 46-75 and 77-96.

II. Conclusion

In view of the foregoing remarks, Applicants respectfully request that the §102 rejections be withdrawn and that claims 46-75 and 77-96 be allowed.

Respectfully submitted,



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